

**DECISION**



*Bayh*  
*Pro*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

118357

FILE: B-205661

DATE: May 10, 1982

MATTER OF: Steenmeyer Corporation

**DIGEST:**

GAO finds that the bidder is not entitled to a post-bid opening adjustment to its bid price and that the bidder's request constitutes the bidder's refusal to extend its bid acceptance period and renders the bidder ineligible for award. Therefore, GAO will not consider the merits of the protest because the protest has become academic and no useful purpose would be served.

Steenmeyer Corporation protests the Army's determination to make award to Steenmeyer based only on the base items of invitation for bids (IFB) No. DACA85-81-B-0045 issued by the Army for modernization of bathrooms in military housing at Fort Wainwright, Alaska. We dismiss the protest.

Steenmeyer's bid for the base items (124 units) and the four additive items (244 units) was the low bid. The Army notified Steenmeyer that the award would be made for the base items only. Steenmeyer refused to accept award for any quantity less than the total amount, contending that the Army was obligated to make award for both the base and additive items. Later, the Army rescinded the notice of award and canceled the IFB.

In response to Steenmeyer's protest, the Army explained its justification for the action taken. In reply, Steenmeyer notes that since its suppliers and subcontractors will not stand by their quotes, which formed the basis of Steenmeyer's bid price, Steenmeyer requests an adjustment to its bid price to compensate for its increased costs.

Steenmeyer's request for a price adjustment presents the threshold question of whether, in these circumstances, the firm is entitled to request an

increase in its bid price after bid opening and still be eligible for award on the basis of its original bid. We find that Steenmeyer is not entitled to increase its bid price and remain eligible for award.

In our view, Steenmeyer's request for an adjustment constitutes Steenmeyer's refusal to keep its bid available for acceptance by the Government without adjustment. In effect, Steenmeyer has abandoned its original bid. Therefore, the merits of Steenmeyer's protest became academic. Thus, no useful purpose would be served by our Office ruling on Steenmeyer's protest.

Protest denied in part and dismissed in part.

*Milton J. Doster*  
for Comptroller General  
of the United States